

To Whom It May Concern:

Please vote against changing the burden of proof to the party requesting a due process hearing as embedded in Raised Bill 5425 Section 3 (d) (1). In most cases of due process, the party requesting a hearing is the parents. Parents will be asked to provide information that is only readily available to the administrators, guidance counselors, school psychologists and teachers. I believe if passed, this will significantly impact children with special needs in a very negative way. It also serves to turn the foundation of IDEA on its head.

School administrators are not there to help children. School Administrators are there to follow the direction of the Board of Education of which the main focus is to keep costs at a minimum. You, as the Education Committee, are making a mockery of the process by looking to change the burden of proof requirements. If indeed your job is to do what is best to benefit all children, let me repeat that - ALL CHILDREN - then you are not doing your job if the due process change is allowed to become part of an already difficult and emotional process.

The failure of the Board of Education and their administrators to provide a safe, secure school environment, as well as a Free Appropriate Public Education (FAPE) for my daughter has left us nearly broke. After nearly 3 years of pleading and begging and yelling at the administrators and teachers, we finally placed and paid for our daughter to attend private residential programs, from which she graduated high school six months ahead of her peers. She is now pursuing her own dreams and will be attending college in the fall. I am glad we had the ability to afford the price tag associated with the school; most can't without the financial assistance that should have been provided by the Board of Education.

IEP's can go on forever. They can be dragged on and on, being continued for another week, another month, let's wait and see, until finally the only recourse is to file for a due process hearing. In many cases, parents are not even aware of their rights, and no one from the budget conscious administration reaches out to assist parents. The pamphlets and information provided to parents in the handbooks is sadly lacking a coherent description of what services are available, what processes can be used to address child specific issues. In some cases, school handbooks only give a number to call to ask for information! Nowhere in the handbook I was given for the past 4 years was FAPE, IDEA or IEP even mentioned. It is only when you find an organization such as CPAC do you realize how little information parents are privy to, and how little the flow of information is from administrators to parents.

By asking the parents and guardians to prove the negative, you are merely giving into the special interest groups. You were not elected to cater to some. You were elected to cater to all, and special needs children are part of the all.

It is not the parents who have the information to prove the negative- that the school is not providing a free appropriate public education. The administration has all of the information; the grades, the evaluations, the information from teachers not written down. Sadly, unless parents know all the right words to use, all the right questions to ask and to whom to ask the right questions, they will never get all the information to which they are entitled and would need at a due process hearing; the end result being the child loses every time. It is also, as we all know, very difficult to prove a negative. It is much more reasonable to assume that if a due process hearing is requested, the onus should fall on the education system to prove that indeed they are providing FAPE; it is the burden of the school system to provide the services needed so logically, the burden of proof should rest on their shoulders to prove they have provided what by law is necessary.

Administrators administrate. They are not child advocates. They are budget watchers. They are there to use the laws to their advantage and to try to change the laws to their advantage so they can point to the law and say, 'I'd love to help, but there's nothing I can do...' a phrase heard so many times by this mother, the words will haunt me to my grave.

We have suffered enough. We will continue to suffer, to hope, to agonize and to pray that our children can make it through. That they can succeed in the very ugly world of educational politics. We all need to be assured that the schools and administrators will be by our children's side trying to help, not wriggling through the loopholes they find in laws, and lobbying for changes that make it easier for them to throw our kids to the wolves.

I have posted this information to alert other parents of children in Connecticut to the potential negative effects this change will have on students. I will continue to keep them informed of the outcome, which I hope, is the correct outcome and the burden of proof will NOT move to the parents.

Please do the right thing and vote against the requested changes for due process. We are all watching.

Sincerely,

Karen Massey